

000155		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO			1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) AC 2900002		
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): CITY CLERK			3. DATE: 6/20/08 60 07/15		
4. SUBJECT: MUNICIPAL GENERAL ELECTION: NOVEMBER 4, 2008							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Denise Jenkins, MS 2A (619) 533-4030		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Bonnie Stone, MS 2A (619) 533-4060		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	100			9. ADDITIONAL INFORMATION / ESTIMATED COST: Election Contract Services: Municipal Special Election: MUNICIPAL GENERAL ELECTION FOR CITY ATTORNEY, COUNCILMEMBERS IN DISTRICTS 1, 3, AND 7 PLUS ANTICIPATED PROPOSITIONS TO BE PLACED ON THE BALLOT. ESTIMATED ROV COST OF THIS ELECTION IS \$2.7 MILLION.			
DEPT.	601						
ORGANIZATION	2350						
OBJECT ACCOUNT	4222						
JOB ORDER	2350						
C.I.P. NUMBER							
AMOUNT	\$2,700,000.00						
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>Elizabeth M. Cant</i>	06-20-08	8	DEPUTY CHIEF		
2	FINANCIAL MANAGEMENT	<i>John Rangel</i>	06/23/08	9	COO		
3	AUDITORS	<i>Jessica DeLeon</i>	6/25/08	10	CITY ATTORNEY	<i>Michael J. Wal</i>	6/25/08
4	CFO			11	ORIG. DEPT	<i>Elizabeth M. Cant</i>	06-20-08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
6							
7							
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input checked="" type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Ordinance calling a Municipal General Election in The City of San Diego on November 4, 2008, for the purpose of electing a City Attorney and Councilmember for Districts 1, 3, and 7. The Municipal General Election shall be consolidated with the Statewide General Election to be held on the same date.							
2. Ordinance calling a Municipal Special Election in the City of San Diego on November 4, 2008, for the purpose of submitting to the qualified voters of the City of San Diego one or more ballot propositions and consolidating said Municipal Special Election with the Statewide General Election to be held on the same date.							
3. Resolution requesting the Board of Supervisors to consolidate the Municipal General Election with the Statewide General Election to be held on November 4, 2008, and authorize and direct the City Comptroller to expend up to \$2.7M in associated costs for administration of the specified election.							
4. Resolution requesting the Board of Supervisors to consolidate the Municipal Special Election with the Statewide General Election to be held on November 4, 2008, and authorize and direct the City Comptroller to make payments to the Registrar of Voters.							
11A. STAFF RECOMMENDATIONS: Adopt the Resolutions and Ordinances.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) COUNCIL DISTRICT(S): ALL COMMUNITY AREA(S): N/A ENVIRONMENTAL IMPACT: N/A HOUSING IMPACT: N/A OTHER ISSUES: For consent agenda, docket of July 8, 2008. Draft ordinance and resolution are attached. Payment will be made to the Registrar of Voters for contract services to conduct the election, and for election costs.							

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EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: .

REPORT NO.:

ATTENTION: City Council

ORIGINATING DEPARTMENT: City Clerk

SUBJECT: MUNICIPAL GENERAL AND SPECIAL ELECTION: NOVEMBER 4, 2008

COUNCIL DISTRICT(S): ALL

STAFF CONTACT: Denise Jenkins, (619) 533-4030

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION:

Pass Resolution

EXECUTIVE SUMMARY:

This is to request that the City Council adopt ordinances calling a Municipal General Election and a Municipal Special Election as well as resolutions requesting the consolidation of these elections with the Statewide General Election to be held on November 4, 2008. The resolutions for both the Municipal General and Municipal General Election requesting consolidation include a request for the services of the Registrar of Voters.

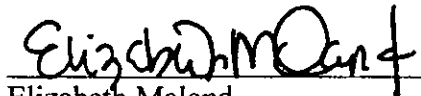
The Municipal General Election will be held for the purpose of conducting elections for City Attorney, and Councilmembers for Districts 1, 3, and 7. The Municipal Special Election will be held for the purpose of conducting elections for any and all propositions the Council approves for placement on the ballot.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A



Elizabeth Maland
City Clerk

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

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CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2900002

DEPT. NO.: 601

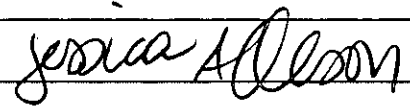
I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$2,700,000.00 Fund: 100

Purpose: Authorize the expenditure up to \$2.7 million in associated costs for administration of the municipal general election for city attorney, council members in districts 1, 3, and 7, plus anticipated propositions to be placed on the ballot.

Date: June 25, 2008

By: Jessica Olson



ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100	601	2350	4222	002350				\$2,700,000.00
TOTAL AMOUNT										\$2,700,000.00
										FUND OVERRIDE <input type="checkbox"/>

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL										

Citywide Program Expenditures

Department Summary

Citywide Program Expenditures				
	FY 2007 BUDGET	FY 2008 BUDGET	FY 2009 PROPOSED	FY 2008-2009 CHANGE
Positions	0.00	0.00	0.00	0.00
Personnel Expense	\$ -	\$ -	\$ -	\$ -
Non-Personnel Expense	\$ 46,383,612	\$ 47,811,862	\$ 71,184,523	\$ 23,372,661
TOTAL	\$ 46,383,612	\$ 47,811,862	\$ 71,184,523	\$ 23,372,661

Department Expenditures

	FY 2007 BUDGET	FY 2008 BUDGET	FY 2009 PROPOSED
GENERAL FUND			
Citywide Program Expenditures			
Annual Audit	\$ -	\$ 681,805	\$ 1,000,000
Assessments to Public Property	\$ 480,837	\$ 300,500	\$ 425,235
Citywide Elections #	\$ 731,636	\$ 2,700,000	\$ 2,700,000
Citywide Program Expenditures	\$ 7,200,097	\$ 3,328,641	\$ -
Corporate Master Leases Rent	\$ 6,983,769	\$ 6,688,027	\$ 9,023,325
Employee Personal Prop Claims	\$ -	\$ 5,000	\$ 5,000
General Fund ERP Cost Allocation	\$ -	\$ -	\$ 1,432,759
General Fund Reserve	\$ -	\$ -	\$ 6,000,000
Health	\$ 16,273	\$ -	\$ -
Insurance	\$ 2,028,000	\$ 1,840,000	\$ 1,365,879
Leverage of Employee Pick-Up Savings	\$ -	\$ -	\$ 7,614,000
Memberships	\$ 705,268	\$ 630,000	\$ 630,000
Preservation of Benefits	\$ -	\$ -	\$ 1,100,000
Property Tax Administration	\$ -	\$ 3,027,643	\$ 3,027,643
Public Liab Claims Fund Trans	\$ 10,000,000	\$ 18,000,000	\$ 28,000,000
Special Consulting Services	\$ 440,062	\$ 2,883,169	\$ 1,200,000
Special Promotional Programs	\$ 4,731,181	\$ -	\$ -
TRANS Interest Expense Transfer Fund	\$ -	\$ 2,449,000	\$ 2,449,000
Transfer to Park Improvement Funds	\$ 12,788,412	\$ 5,000,000	\$ 4,933,605
Transportation Subsidy	\$ 278,077	\$ 278,077	\$ 278,077
Total	(1) \$ 46,383,612	\$ 47,811,862	\$ 71,184,523

- (1) Appropriations for ERP and Preservation of Benefits were allocated under "Special Consulting Services" in the Fiscal Year 2008 Final Budget and have since been itemized separately as its own budgeted expense line for Fiscal Year 2009.

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+60 (A)
(O-2008-168) (a-d)

ORDINANCE NUMBER O-_____ (New Series)

DATE OF FINAL PASSAGE _____

AN ORDINANCE CALLING A MUNICIPAL SPECIAL ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE OR MORE BALLOT PROPOSITIONS; AND CONSOLIDATING THE MUNICIPAL SPECIAL ELECTION WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, pursuant to Section 223 of the Charter of the City of San Diego, Section 3(b) of Article XI of the Constitution of the State of California, and Section 9255(a)(2) of the California Elections Code, all dealing with Charter amendments; and, pursuant to Section 23 of the Charter of the City of San Diego and Section 27.1001 of the San Diego Municipal Code pertaining to initiative measures submitted by petition or by action of the City Council, the Council of the City of San Diego by separate ordinances may submit to the qualified voters of the City one or more ballot propositions at a special election; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. A Municipal Special Election is hereby called and ordered to be held in the City of San Diego on November 4, 2008, for the purpose of submitting to the qualified voters of the City one or more ballot propositions.

Section 2. The propositions shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in the separate ordinances placing the propositions on the November 4, 2008 ballot.

Section 3. The propositions submitted by separate ordinances for placement on the November 4, 2008 ballot, if any, shall be designated on the ballot by a letter printed on the left

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margin of the square containing the description of the proposition as provided in California Elections Code section 13116.

Section 4. City propositions to be submitted to the voters at the November 4, 2008 Municipal Special Election, if any, shall appear, pursuant to San Diego Municipal Code section 27.0507, on the ballot in the following order:

- (a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to San Diego Municipal Code section 27.1001, in the order in which the ordinances placing the initiatives on the ballot are adopted by the City Council;
- (b) Bond measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (c) Charter amendments, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (d) Other legislative measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (e) Referendum measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council; and
- (f) Advisory matters, in the order in which the ordinances placing them on the ballot are adopted by the City Council.

Section 5. The polls for this Municipal Special Election shall be open from 7:00 a.m. (local time) on November 4, 2008, and remain open continuously until 8:00 p.m. (local time) on

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the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 6. The Municipal Special Election called for November 4, 2008 in the City of San Diego is hereby ordered consolidated with the California State General Election to be held on the same date. Within the City of San Diego precincts, polling places and officers of the election for the Municipal Special Election shall be the same as those provided for the California State General Election.

Section 7. The Board of Supervisors of the County of San Diego is hereby authorized to canvass returns of this Municipal Special Election. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the Council of the City of San Diego. The City Council shall then declare the results of the Municipal Special Election by resolution.

Section 8. Within the City of San Diego only one form of ballot shall be used.

Section 9. Since this election is to be consolidated with the California State General Election, and since the Board of Supervisors is authorized to canvass the returns of this Municipal Special Election, and since only one form of ballot is authorized, the method of voting upon the propositions shall be provided in the California Elections Code.

Section 10. Except as otherwise provided in this ordinance, the Municipal Special Election called for November 4, 2008 shall be conducted as provided by law for other Municipal Elections in the City of San Diego.

Section 11. The City Clerk shall cause this ordinance to be published once in the official newspaper of the City of San Diego.

Section 12. Pursuant to Sections 275(c), 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:als
06/26/08
Or.Dept:City Clerk
O-2008-168

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ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE CALLING A MUNICIPAL GENERAL ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, NOVEMBER 4, 2008 AND CONSOLIDATING THE MUNICIPAL GENERAL ELECTION WITH THE CALIFORNIA STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1984, elections to the offices of Mayor and City Attorney shall be held every four years, and that the Municipal General Elections for those offices shall be held on the same date in each election year as the California State General Election; and

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1996, the Municipal General Elections to the offices of Councilmember for Districts 1, 3, 5, and 7 shall be held on the same date in each election year as the California State General Election; and

WHEREAS, calling the Municipal General Election for the same date as the Statewide General Election is mandated by Section 10 of the Charter and, therefore, is not subject to veto by the Mayor; and

WHEREAS, at a meeting held on _____, the City Council of the City of San Diego passed Resolution Number R-_____, requesting the Board of Supervisors of the County of San Diego to approve the consolidation of the Municipal General Election to be held on November 4, 2008, with the Statewide General Election to be held on the same date; and

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WHEREAS, Section 10 of the Charter of the City of San Diego also provides that, in the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office in the municipal primary election, that the candidate shall be deemed to be, and declared by the Council to be, elected to such office, and this occurred in the June 4, 2008 municipal primary election for Mayor and for the representative for Council District 5; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. *It is hereby ordered that a Municipal General Election will be held in the City of San Diego on Tuesday, November 4, 2008, for the purpose of electing candidates for the following offices:*

CITY ATTORNEY	four-year term
COUNCILMEMBER for District No. 1	four-year term
COUNCILMEMBER for District No. 3	four-year term
COUNCILMEMBER for District No. 7	four-year term

Section 2. The Municipal General Election called for November 4, 2008, in the City of San Diego is hereby ordered consolidated with the Statewide General Election to be held on the same date. Within the City of San Diego precincts, polling places and officers of the election for the Municipal General Election shall be the same as those provided for the Statewide General Election.

Section 3. For the purpose of said elections, the election precincts shall be the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

Section 4. The Registrar of Voters of the County of San Diego is hereby authorized to canvass returns of this Municipal General Election. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the Council of the City of San Diego. The City Council shall then declare the results of the Municipal General Election by resolution.

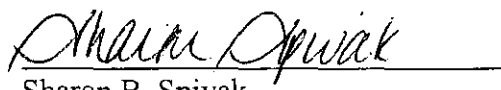
Section 5. The polls for this Municipal General Election shall be open from 7:00 a.m. on November 4, 2008 and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 6. The City Clerk is hereby directed to cause this ordinance to be published once in the official newspaper of the City of San Diego.

Section 7. Pursuant to Sections 275(c), 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:als
06/26/08
Or.Dept:City Clerk
O-2008-169

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, pursuant to Section 223 of the Charter of the City of San Diego, Section 3(b) of Article XI of the Constitution of the State of California, and Section 9255(a)(2) of the California Elections Code, all dealing with Charter Amendments; and, pursuant to Section 23 of the Charter of the City of San Diego and Section 27.1001 of the San Diego Municipal Code pertaining to initiative measures submitted by petition or by action of the City Council, the Council of the City of San Diego by separate ordinances may submit to the qualified voters of the City one or more ballot propositions at a Municipal Special Election; and

WHEREAS, at a meeting on _____, the City Council passed Ordinance No. O-_____ (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, November 4, 2008; and

WHEREAS, the Statewide General Election will be held on Tuesday, November 4, 2008; and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the Statewide General Election to be held on the same date and that, within the City of San Diego, the election precincts, polling places, voting booths, and election officials for the two elections be the same; and

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WHEREAS, it is desirable that the Board of Supervisors of the County of San Diego be authorized to canvass the returns of the Municipal Special Election; and

WHEREAS, it is desirable that this Municipal Special Election and the Statewide General Election be held in all respects as if there were only one election; and

WHEREAS, requesting the San Diego County Board of Supervisors to consolidate the Municipal General Election with the Statewide General Election is under the purview of the governing body under state elections law governing consolidation of elections, and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal Special Election to be held in the City of San Diego on November 4, 2008 with the Statewide General Election to be held on the same date.

2. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal Special Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

3. The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the Statewide General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. The Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

- (a) Furnish a tabulation of the number of registered voters in each Council district by precinct;

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- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide minority language election materials in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in each precinct;
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct;
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

5. The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed for the City of San Diego by the Registrar of Voters in connection with the election services herein described, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to *save free and harmless the County, its officers, agents, and employees from expense or liability,*

including reasonable attorney's fees, as the result of an election contest initiated pursuant to the California Elections Code, sections 16000 through 16900.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:als

06/23/2008

Aud.Cert.: AC 2900002

Or.Dept:City Clerk

R-2008-1188

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL GENERAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1984, elections to the offices of Mayor and City Attorney shall be held every four years, and that the Municipal General Elections for those offices shall be held on the same date in each election year as the California State General Election; and

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1996, the Municipal General Elections to the offices of Councilmember for Districts 1, 3, 5, and 7 shall be held on the same date in each election year as the California State General Election; and

WHEREAS, this year, the Statewide General Election will be held on November 4, 2008; and

WHEREAS, at a meeting on _____, the City Council passed Ordinance No. O-_____ (N.S.), calling a Municipal General Election in the City of San Diego on Tuesday, November 4, 2008, an action mandated by Section 10 of the Charter and, therefore, not subject to veto by the Mayor; and

WHEREAS, it is desirable that this Municipal General Election be consolidated with the Statewide General Election to be held on the same date, and that, within the City of San Diego,

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the election precincts, polling places, voting booths, and election officials for the two elections be the same; and

WHEREAS, it is desirable that the Registrar of Voters of the County of San Diego be authorized to canvass the returns of the Municipal General Election; and

WHEREAS, it is desirable that the Municipal General Election and the Statewide General Election be held in all respects as if there were only one election; and

WHEREAS, requesting the San Diego County Board of Supervisors to consolidate the Municipal General Election with the Statewide General Election is under the purview of the governing body under state elections law governing consolidation of elections, and, therefore, is not subject to veto by the Mayor; and

WHEREAS, Section 10 of the Charter of the City of San Diego also provides that, in the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office in the municipal primary election, that the candidate shall be deemed to be, and declared by the Council to be, elected to such office, and this occurred in the June 4, 2008 municipal primary election for Mayor and for the representative for Council District 5; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal General Election for the offices of City Attorney and Councilmember for Districts 1, 3 and 7 to be held in the City of San Diego on November 4, 2008, with the Statewide General Election to be held on the same date.

2. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal General Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

3. The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the Statewide General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. The Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

- (a) Furnish a tabulation of the number of registered voters in each Council district by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide minority language election materials in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in each precinct; and
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct.
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

5. The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed for the City of San Diego by the Registrar of Voters in connection with the election services herein described, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney's fees, as the result of an election contest initiated pursuant to the California Elections Code, sections 16000 through 16900.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:als

06/26/2008

Aud.Cert.: AC 2900002

Or.Dept:City Clerk

R-2008-1189